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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,275	05/09/2007	M. Ian Phillips	USF-199/TCXZ1	9704
23557 7590 04/22/2009 SALIWANCHIK LLOYD & SALIWANCHIK A PROFESSIONAL ASSOCIATION PO Box 142950 GAINESVILLE, FL 32614				
EXAMINER SAJJADI, FEREDOUN GHOTB				
ART UNIT		PAPER NUMBER		
1633				
MAIL DATE		DELIVERY MODE		
04/22/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10567275	5/9/2007	PHILLIPS ET AL.	USF-199TCXZ1

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EXAMINER

FEREYDOUN G. SAJJADI

ART UNIT	PAPER
1633	20090421

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents**OFFICE COMMUNICATION:**

Response to Amendment

The response dated March 9, 2009, to the restriction requirement of February 9, 2009 is considered non-responsive, because while Applicants have elected Group III (claims 17-26), and the species of viral vectors and heart as the target tissue, they have not responded to the requirement for the election of species as set forth on page 5-6 of the office action dated February 9 2009; specifically, having failed to elect a specific species of tissue-specific (cardiac-specific) promoter, a specific stem-cell attracting chemokine, and a specific type of viral vector. Applicants should note that base claim 17 was indicated as a generic claim, as it requires the particulars of claim 1. Applicant should further indicate the claims that the elected species read on. The reply is therefore not fully responsive (See 37CFR 1.111).

Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fereydoun G. Sajjadi whose telephone number is (571) 272-3311. The examiner can normally be reached Monday through Friday, between 6:30 am-3:30 pm EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Weitach can be reached on (571) 272-079. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). For all other customer support, please call the USPTO Call Center (UCC) at (800) 786-9199.

/Fereydoun G Sajjadi/
Examiner, Art Unit 1633